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COFRED COMMUNICATIONS COMMISSION

FFICE OF THE SECRETARY

## VIA FCC COURIER

Ms Marlene H Dortch Secretary Federal Communications Commission Portals II, Filing Counter, TW-A235 445 12th Street, S W Washington, D.C. 20554

> MM Docket No. 03-195 Re: RM-10745

Dear Ms Dortch

Submitted on behalf of Amigo Radio, Ltd are an original and four copies of its Comments regarding the above-captioned Notice of Proposed Rulemaking. Any questions concerning this matter should be addressed to undersigned counsel

Very truly yours

Richard A. Helmick



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

#### **BEFORE THE**

# Federal Communications Commission

In the Matter of	)	MB Docket No 03-195
Amendment of Section 73 202 (b),	)	RM-10745
Table of Allotments.	)	
FM Broadcast Stations	)	
(Marble Falls and Dripping Springs, Texas)	)	
To Assistant Chief, Audio Division Media Burcau		

# **COMMENTS OF AMIGO RADIO, LTD.**

Amigo Radio, Ltd ("Amigo"), licensee of FM Broadcast Station KXXS, Channel 285C2, Marble Falls. Texas, through its attorneys and pursuant to Sections 1.415 and 1.420 of the Commission's Rules, hereby supports the Commission's Notice of Proposed Rulemaking, DA 03-2828, released September 8, 2003(the "NPRM"), in the above-captioned proceeding which, at the request of Amigo, proposes to modify the license of Station KXXS to specify operation on Channel 285A at Dripping Springs, Texas, as its new community of license, and to amend the Table of Allotments for FM Broadcast Stations, Section 73 202 (b) of the Commission's Rules, as follows

<u>Cıty</u>	<u>Channel No</u> <u>Present</u> <u>Propo</u>	<u>osed</u>
Marble Falls. Texas	285C2	
Dripping Springs, Texas	285A	<b>L</b>

In support of the NPRM, the following is set forth

The proposed re-allotment would provide Dripping Springs with its first local transmission service. Such re-allotment would result in a net loss area of 226,226 people in an area of 6,508 square kilometers, accordingly. Amigo was requested to provide additional information as to other radio services in the loss area. NPRM at para 4. Set forth as an attachment is an Engineering Statement of Hatfield & Dawson Consulting Engineers which establishes that (a) the

city of Marble Falls will continue to receive at least 16 aural services, (b) the entire loss area (and 100% of the population within the loss area) will receive 5 or more aural services and (c) 98% of the population within the loss area will receive 10 or more aural services. Thus, the loss area and population will continue to be well served by existing aural broadcast services while Dripping Springs will receive its first local transmission service, resulting in preferential arrangement of allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC2d 88, 91 (1988)

Amigo hereby reaffirms its commitment to promptly implement the proposed allotment changes by filing an application to modify the license of KXXS to, in part, change its community of license to Dripping Springs, Texas, and upon approval of such application, constructing such modified facilities

AMIGO RADIO, LTD

By

Robert B Jacobi Richard A. Helmick

COHN AND MARKS LLP 1920 N Street, N.W. Suite 300 Washington, D C 20036

Its Attorneys

October 21, 2003

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## **Engineering Statement**

This Engineering Statement has been prepared on behalf of Amigo Radio, Ltd. ("Amigo"), in support of comments filed in MB Docket No. 03-195. In that proceeding, Amigo has proposed the substitution of Channel 285A for Channel 285C2 at Marble Falls, Texas, reallotment of Channel 285A to Dripping Springs, Texas, and the modification of the authorization for station KXXS to reflect the changes.

In the NPRM, the Commission requests additional information supporting the reallotment, in light of the loss in population served under the proposed reallotment plan

## Loss Area Analysis

The proposed reallotment plan will involve a transmitter site change. The gain area will encompass 460 km² and a 2000 Census population of 113,001 persons. The loss area will encompass 6,510 km² and a 2000 Census population of 332,262 persons. The following table and the attached map exhibit depict the gain and loss areas associated with this proposal.

#### Table of Gain and Loss Areas

Channel	Area and Populati	Area and Population Served	
Marble Falls 285C2	8,569 km²	626,878 persons	
Dripping Springs 285A	2,519 km²	407,617 persons	
Common Area	2,059 km²	294,616 persons	
Loss Area	6,510 km²	332,262 persons	
Gain Area	460 km²	113,001 persons	

### White, Gray, and Underserved Area Analysis

The proposed reallotment plan will not result in the creation of any white or gray areas. Neither will the proposed reallotment plan result in the creation of any underserved areas. The entire loss area will continue to receive aural service from at least five stations. Service to the loss area is provided by the following 4 AM and. 50 FM stations.

Letter	Callsign	Freq/Ch	City	
Α	WBAP-AM	820 kHz	Fort Worth	(Class A 0 5 mV/m)
В	KRLD-AM	1080 kHz	Dallas	(Class A 0 5 mV/m)
С	WOAI-AM	1200 kHz	San Antonio	(Class A 0 5 mV/m)
D	KHLB-AM	1340 kHz	Burnet	(NIF = 22.1  mV/m)
E	KNLE-FM	201A	Round Rock	
F	KBMD-FM	203A	Marble Falls	
G	KAZI-FM	204A	Austin	
Н	KMFA-FM	208C1	Austin	
1	KTXI-FM	211A	Ingram	
J	KUT-FM	213C1	Austin	
K	KYFS-FM	215C1	San Antonio	
L	KNCT-FM	217C1	Killeen	
M	KVRX-FM	219A	Austin & KOOP-F	FM 219A Hornsby (time-share)
Ν	KQQQ-FM	221A	Hutto	
0	KRNH-FM	222C2	Kerrville	
Р	KBEY-FM	223A	Burnet	
Q	KXMG-FM	227C	Cedar Park	
R	KLBJ-FM	229C	Austin	
S	KRVL-FM	232C2	Kerrville	
T	KAMX-FM	234C	Luling	
U	KÇOR-FM	236C1	Comfort	
V	KKMJ-FM	238C1	Austin	
W	Vacant	240A	Burnet	
X	KXXM-FM	241C1	San Antonio	
Υ	KBAE-FM	242A	Llano	
Z	KHFI-FM	244C1	Georgetown	
AA	KAJA-FM	247C	San Antonio	
AB	KWTX-FM	248C	Waco	
AC	KVET-FM	251C1	Austin	
AD	KBBT-FM	253C1	Schertz	

¹In determining reception service provided by FM stations, the area of service circumscribed by the station's 1.0 mV/m signal contour was considered, assuming 1) actual facilities for non-commercial stations operating on reserved channels, 2) maximum facilities for the class of station for stations (other than Class C stations) operating on non-reserved channels, and 3) minimum or existing Class C facilities, whichever is greater, for Class C stations. For clear channel Class A AM stations, the service area was defined by the station's 0.5 mV/m groundwave contour, based on its licensed facilities. For all other classes of full-time AM stations, reception service was defined as that service received within a station's nighttime interference-free contour. See Meeker and Craig, Colorado, 15 FCC Rcd 23858 (2000), Stamps and Fouke, Arkansas, 14 FCC Rcd 10533 (1999), Silverton and Bayfield, Colorado, 14 FCC Rcd 4071 (1999), Malvern and Bryant, Arkansas, 13 FCC Rcd 8426 (1998), and others

ΑE	KHHL-FM	255C2	Leander
AF	WACO-FM	260C	Waco
AG	KCYY-FM	262C	San Antonio
AH	KASE-FM	264C	Austin
ΑI	KONO-FM	266C1	Helotes
AJ	KROX-FM	268C2	Buda
AK	KQXT-FM	270C1	San Antonio
AL	KPEZ-FM	272C2	Austin
AM	KTFM-FM	274C1	San Antonio
AN	KITY-FM	275A	Llano
AO	KSSM-FM	276C3	Copperas Cove
ΑP	KEYI-FM	278C	San Marcos
AQ	KQBT-FM	282C2	Taylor
AR	KZEP-FM	283C1	San Antonio
AS	KSMG-FM	287C	Seguin
ΤA	KUSJ-FM	288C2	Harker Heights
AU	New CP	289C2	Mason
AV	KFMK-FM	290C2	Round Rock
AW	KEXX-FM	293C3	Llano
AX	KHLB-FM	295A	Burnet
AY	KGSR-FM	296C2	Bastrop
AZ	KXTN-FM	298C	San Antonio
ВА	KTND-FM	299C3	Georgetown
BB	KFAN-FM	300C2	Johnson City

The letters preceding each call sign in the list above are used to identify the station contours on the attached loss area study maps. (Note that in four cases multiple stations have identical or nearly identical contours. AJ-AV, AK-AM-AR, R-V-Z-AC, and X-AA-AD-AG-AI.)

On the first map, only the contour labels are shown, for the sake of clarity. On the second map, numerals have been used to indicate the number of aural services which will remain in each subdivision of the loss area. This map clearly demonstrates that no portion of the loss area will be left with fewer than 5 aural services. Therefore, the entire loss area will remain well-served.

In the interest of presenting a complete record, further study has been made of the loss area, to determine the areas and populations which would be left with 5 to 9 aural services

Aural Services Remaining	Area and Populat	Area and Population	
5	21 km²	16 persons	
6	215 km²	285 persons	
7	621 km²	1,102 persons	
8	527 km²	1,709 persons	
9	320 km²	2,383 persons	
10 or more	4,806 km²	326,767 persons	

Hatfield & Dawson Consulting Engineers

This study shows that of the 332,262 persons in the loss area, fully 98% will continue to receive 10 or more aural services under the proposed reallotment plan. Portions of the loss area will retain as many as 26 aural services.

In addition, this map demonstrates that the City of Marble Falls will retain aural service from at least 16 radio stations

#### Conclusion

Therefore, since the proposed reallotment plan will bring a first local service to the City of Dripping Springs, since the City of Marble Falls will continue to receive at least 16 aural services, and since the entire loss area will remain well-served (with 100% of the population continuing to receive 5 or more aural services, and 98% of the population continuing to receive 10 or more aural services), it is submitted that the proposal is in the public interest

#### Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Dripping Springs and Marble Falls, Texas, has been prepared by Erik C. Swanson, EIT, under my direct supervision. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications. Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

Signed this 6th day of October, 2003



Benjamin F Dawson III, P E





